

Notice of Allowability

Application No.

09/833,257

Examiner

Brian S. Kwon

Applicant(s)

BUCHANAN ET AL.

Art Unit

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Telephonic Interview on 11/16/06.
2. ☒ The allowed claim(s) is/are 10,14,16,21,23,40 and 41.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20061120</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

BRIAN-YONG S. KWON
PRIMARY EXAMINER



Art Unit: 1614

DETAILED ACTION

1. Upon further consideration, the allowability of claims 10 and 13 is vacated in favor of the Examiner's Amendment.
2. The Drawings filed on 11/21/2001 are acceptable.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Chen, Jiwen on November 21, 2006.

The application has been amended as follows:

In the Specification:

In the first sentence of the specification, add --This application claims the benefit of CANADA 2,304,906 filed 04/07/2000.--.

In page 17, line 23, add --& FIG. 1A-- after "FIG. 1".

In page 18, line 1, add --& FIG. 2A-- after "FIG. 2"; line 9, add --& FIG. 4A-- after "FIG. 4"; line 13, add --& FIG. 5A-- after "FIG. 5"

Art Unit: 1614

In the Claims:

In claim 10, line 2, delete [13-HODE] and add --13-hydroxyoctadeca-9Z, 11E-dienoic acid (13-HODE)--.

In claim 10, line 4, delete [comprising 13-HODE] and replace with --consisting essentially of 13-HODE in its free form and at least one omega-3 fatty acid selected from the group consisting of ethyl-eicosapentaenoic acid and ethyl-docosahexaenoic acid--.

In claim 14, line 1, delete [comprising] and replace with --consisting essentially of----; in line 2, delete [and] and replace with --,--; and in line 4, add -- and a pharmaceutically acceptable excipient-- before “, for use”.

In claim 16, line 2, delete [the] and replace with --a--.

In claim 23, line 2, delete [the composition further comprises] and replace with --the pharmaceutically acceptable excipient is--.

In claim 40, line 2, add --in need thereof-- after “the subject”; in line 3, delete [comprises] and replace with --consisting essentially of --; and in line 5, delete [both] and replace with --combination thereof--.

Claims 1-9, 11-13, 15, 17-20, 22, 24-39 are cancelled.

Conclusion

4. Claims 10, 14, 16, 21, 23, 40 and 41 are allowed.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Kwon whose telephone number is (571) 272-0581. The examiner can normally be reached Tuesday through Friday from 9:00 am to 7:00pm.

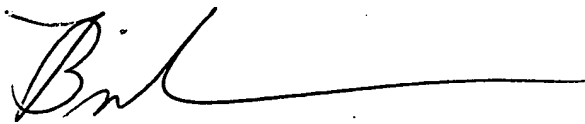
Art Unit: 1614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel, can be reached on (571) 272-0718. The fax number for this Group is (571) 273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications may be obtained from Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov> Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Brian Kwon
Primary Patent Examiner
AU 1614

A handwritten signature in black ink, appearing to read 'B. Kwon', followed by a long horizontal line extending to the right.